

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DROPLETS, INC., §
Plaintiff, §
V. § Civil Action No. 2:11-CV-401
OVERSTOCK.COM, INC., et al., §
Defendants. §

**DEFENDANTS' MOTION FOR LEAVE TO FILE
DEFENDANTS' MOTION TO EXCLUDE THE
SUPPLEMENTAL OPINIONS OF ROBERT MILLS**

Defendants Overstock.com, Inc. (“Overstock”), Sears, Roebuck and Company, Sears Brands, L.L.C., and Sears Holdings Corporation (collectively, “Sears”) (with Overstock, “Defendants”) requests leave of Court to file their Motion to Exclude the Supplemental Expert Testimony of Robert Mills, Plaintiff Droplets, Inc.’s (“Droplets” or “Plaintiff”) damages expert, Robert Mills. Defendants seek leave of Court to file this Motion to Exclude in light of the Magistrate’s January 6, 2012 Order (Dkt. 337) granting Droplets’ motion leave to supplement Mills’ expert reports (Dkt. 308; Dkt. 323).

Dated: January 12, 2015.

Respectfully submitted,

By: /s/ John H. Barr, Jr.

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ROEBUCK AND CO., SEARS BRANDS,
L.L.C., AND SEARS HOLDINGS
CORPORATION**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record via electronic filing system pursuant to the Federal Rules of Civil Procedure on the 12th day of January, 2015.

/s/ John H. Barr, Jr.

John H. Barr, Jr.

CERTIFICATE OF CONFERENCE

On January 12, 2015, counsel for both parties participated in a meet-and-confer where they discussed this motion. The parties were unable to agree and are at an impasse resulting in the need to file this motion, which Defendants understand that Plaintiff Droplets, Inc. opposes.

/s/ John H. Barr, Jr.

John H. Barr, Jr.